

## UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America

v.

JONATHAN FONSECA-TORRES

Case No: CR. 08-209-02(DRD)

USM No: 32464-069

Date of Original Judgment: 05/22/2009

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Hector L. Ramos-Vega, FPD

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

(Complete Parts I and II of Page 2 when motion is granted)

"Subject to the limits set forth in Section 1B1.10(b), the Court shall consider the nature and seriousness of the danger to any person or the community that may be posed by a reduction in the defendant's term of imprisonment." Application note 1(B)(iii) further directs that "the Court may consider post-sentencing conduct of the defendant that occurred after the imposition of the original term of imprisonment."

Denied. The defendant has already been granted a sentence below the guideline range. Hence, he cannot have further reductions.

Except as otherwise provided, all provisions of the judgment dated 05/22/2009 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 07/19/2016

Daniel R. Dominguez

Judge's signature

Effective Date: 07/19/2016

(if different from order date)

Daniel R. Dominguez, Senior U.S. District Judge

Printed name and title